

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**OL J. KHAO,**

**Plaintiff,**

**v.**

**AMERI MOTORS, INC, JAWAD AL  
MIRI, GATEWAY ONE LENDING &  
FINANCE, LLC & JOHN DOES,  
Defendant.**

**CIVIL ACTION**

**NO. 16-5095**

**ORDER**

**AND NOW**, this 31st day of January, 2017:

**WHEREAS** on September 22, 2016, Plaintiff filed this Complaint (ECF # 1);

**WHEREAS** on October 11, 2016, Defendants Ameri Motors, Inc., and Jawad al Miri were personally served with a summons (ECF No. 2);

**WHEREAS** to date, Defendants Ameri Motors, Inc., and Jawad al Miri have not filed a responsive pleading;

**WHEREAS** on November 28, 2016, Defendant Gateway One Lending & Finance filed its answer (ECF No. 5);

**WHEREAS** on January 3, 2017, Plaintiff filed for entry of default against Defendants Ameri Motors, Inc., and Jawad al Miri, for failure to appear, plead or otherwise defend (ECF No. 8);

**WHEREAS** on January 10, 2017, the Clerk made an entry of default against Defendants Ameri Motors, Inc., and Jawad al Miri;

**WHEREAS** on January 30, 2017, Plaintiff filed a Motion for Default Judgment against Defendants Ameri Motors, Inc., and Jawad al Miri (ECF No. 12);

**WHEREAS** Plaintiff's Motion for Default Judgment fails to address the legal standards for granting a default judgment, *Chamberlain v. Giampapa*, 210 F.3d 154, 164 (3d Cir. 2000) (citing *United States v. \$55,518.05 in U.S. Currency*, 728 F.2d 192, 195 (3d Cir. 1984)); *Farzetta v. Turner & Newall, Ltd.*, 797 F.2d 151, 153 (3d Cir. 1986) (citing *Frow v. De La Vega*, 82 U.S. 552 (1872));

**IT IS ORDERED** that Plaintiff's motion is **DENIED WITHOUT PREJUDICE**.

**BY THE COURT:**

**/S/WENDY BEETLESTONE, J.**

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**WENDY BEETLESTONE, J.**